

**BROWNING BUSHMAN P.C.**

*Attorneys at Law*

RALPH R. BROWNING (1905-1979)  
C. JAMES BUSHMAN  
LOREN G. HELMREICH

5718 WESTHEIMER, SUITE 1800  
HOUSTON, TX 77057-5771  
TELEPHONE (713) 266-5593  
FACSIMILE (713) 266-5169

SENDER'S E-MAIL: [jbushman@browningbushman.com](mailto:jbushman@browningbushman.com)  
INTELLECTUAL PROPERTY LAW  
INCLUDING PATENT, TRADEMARK, AND COPYRIGHT LAW,  
UNFAIR COMPETITION, AND RELATED MATTERS

May 3, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn.: Mail Stop PCT  
Leonard Smith

Re: Your Ref.: 371 Formalities Letter (OC000000023336433) (Confirmation No. 8670), dated April 11, 2007  
Our Ref.: Muller-51  
U.S. Patent Application No. 10/563,237  
International Application No. PCT/DE04/01414  
International Filing Date: 07/02/2004  
Priority Date: 07/03/2003

Dear Sir:

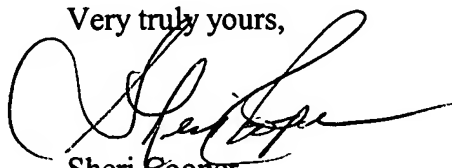
In accordance with Mr. Leonard Smith's instructions and responsive to the Notification of Defective Response for the referenced patent application, enclosed are the following:

1. Executed Declaration of the 4<sup>th</sup> inventor, Elmar Gramse; and
2. Application Data Sheet reflecting the correct country code in the priority claim.

We trust this completes the requirements for acceptance under 35 U.S.C. 371, and that no additional fees are required in connection with this submission; however, in the event a fee is found to be due, the U.S. Commissioner of Patents and Trademarks is authorized to debit Deposit Account No. 02-4345. This authorization is provided in duplicate.

Thank you for your assistance in this matter.

Very truly yours,



Sheri Cooper

Assistant to C. James Bushman

sc/

Enclosures

C:\Client\Muller\51-uspto.corres.wpd



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/563,237	FIRST NAMED APPLICANT Peter Finnmans	ATTY. DOCKET NO. Muller-51
---	---	-------------------------------

INTERNATIONAL APPLICATION NO. PCT/DE04/01414
---

I.A. FILING DATE 07/02/2004	PRIORITY DATE 07/03/2003
--------------------------------	-----------------------------

Browning Bushman  
 5718 Westheimer  
 Suite 1800  
 Houston, TX 77057-5771

APR 13 2007

CONFIRMATION NO. 8670

371 FORMALITIES LETTER



\*OC000000023336433\*

ENTERED APR 13 2007

Date Mailed: 04/11/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 01/03/2006
- English Translation of the IA filed on 01/03/2006
- Copy of the International Search Report filed on 01/03/2006
- Copy of IPE Report filed on 01/03/2006
- Copy of Annexes to the IPE filed on 01/03/2006
- Preliminary Amendments filed on 01/03/2006
- Information Disclosure Statements filed on 09/06/2006
- Oath or Declaration filed on 07/24/2006
- Request for Immediate Examination filed on 01/03/2006
- U.S. Basic National Fees filed on 01/03/2006
- Priority Documents filed on 01/03/2006

DOCKETED

By 15/11/07  
 BROWNING BUSHMAN

Applicant's response filed 09/06/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/15/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - Signature for 4th inventor, Elmar Gramse, is omitted and the country code in the priority claim is incorrect

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing**

0

**Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,237	PCT/DE04/01414	Muller-51

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e. GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.